

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
541.1024CON2

Total Pages in this Submission  
98

17236 U.S. PTO



040204

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**PHARMACEUTICAL EXCIPIENT HAVING IMPROVED COMPRESSIBILITY**

and invented by:

**John N. STANIFORTH et al.**

22581 U.S. PTO  
10/817335  
040204

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/266,518

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/384,130

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/992,073

See Application Data Sheet for additional continuation data.

Enclosed are:

### Application Elements

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 60 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
**541.1024CON2**

Total Pages in this Submission  
**98**

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets                      11
- b. ☐ Informal                      Number of Sheets                      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449                      ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class                      ☒ Express Mail *(Specify Label No.):* EV 3190 73705 US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
541.1024CON2

Total Pages in this Submission  
98

**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures *(please identify below)*:

Exhibit A, which contains (i) allowed claims of parent U.S. Patent Application Serial No. 10/266,518  
(ii) pending claims of U.S. Patent Application Serial No. 10/015,538  
(iii) pending claims of U.S. Patent Application Serial No. 10/338,361 and  
(iv) specification and pending claims of U.S. Patent Application Serial No. 10/145,563

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
541.1024CON2

Total Pages in this Submission  
98

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	3	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$770.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$770.00

☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.

☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.

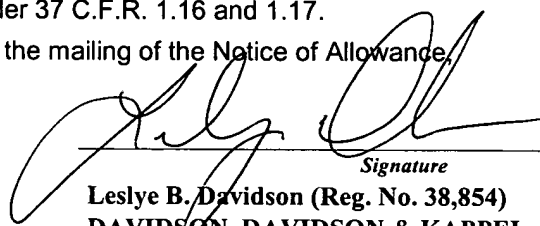
☐ Charge the amount of \_\_\_\_\_ as filing fee.

☐ Credit any overpayment.

☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: April 2, 2004

  
Signature

Leslye B. Davidson (Reg. No. 38,854)  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14th Floor  
New York, NY 10018  
(212) 736-1940

cc:

## Certificate of Express Mailing under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to:

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on April 2, 2004.  
Date

  
Signature

Calvin Ashby III

Typed or printed name of person signing Certificate

EV 3190 73705US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing by Express Mail, or this certificate must identify each submitted paper.

Re.: Docket No.: 541.1024CON2  
Applicant(s): John N. STANIFORTH, et al.  
Serial No.: To be Assigned  
Invention: Pharmaceutical Excipient Having Improved Compressibility  
Filing Date: Herewith

Enclosed are:

- Utility Patent Application Transmittal (4 pages);
- Application Data Sheet (2 pages);
- Specification (60 pages);
- Drawings (11 sheets);
- Declaration and Power of Attorney (3 pages);
- Preliminary Amendment (7 pages);
- Information Disclosure Statement (4 pages);
- Form PTO-1449 (6 sheets) and references cited on sheet 5;
- Exhibit A ; and
- Return postcard (1 page)

This collection of information is required by 37 CFR 1.10. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.